

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. C-05-1195 EMC

Plaintiff,

v.

**ORDER RE SUPPLEMENTAL
BRIEFING**

MILEPOST VENTURES, LP,

Defendant.

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The United States Small Business Administration, as Receiver for Milepost Ventures, L.P., has filed two motions: (1) a motion for an order approving and confirming the First Receiver's Report (for the period June 4, 2005, through July 31, 2006) and (2) a motion for an order approving the Receiver's recommended disposition of claims and the priority of payment of approved claims and without establishing summary disposition procedures. In order to rule on the two motions, the Court hereby orders the Receiver to provide additional information for the Court's consideration.

A. Motion for an Order Approving and Confirming the First Receiver's Report

The Receiver states that it retained the law firm of Ober, Kaler, Grimes & Shriver to act as its counsel in certain matters. *See* 1st Receiver's Report at 3. Over \$58,000 has been spent on legal/agent fees. The Court orders the Receiver to provide more specific information as to what those legal matters were.

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B. Motion for an Order Approving the Receiver's Recommended Disposition of Claims, Etc.1. Claims Bar Date

Although the First Receiver's Report states that the claims bar date is May 5, 2006, the Receiver's Determination of Claims Received and Priority of Payment of Claims states that the claims bar date is April 28, 2006, and/or April 14, 2006. *See* Receiver's Determination at 1, 4. The Receiver should explain the inconsistency.

2. SBA Claim

The Receiver's Determination states that the "SBA is the sole preferred limited partner" of Milepost and "is entitled to priority . . . before payment to any other equity holders." Receiver's Determination at 5. The Receiver should provide a copy of the Agreement of Limited Partnership to the Court, along with any other evidence supporting this statement.

All information requested by the Court should be filed by October 18, 2006.

The Receiver should immediately serve a copy of this order on all relevant parties.

IT IS SO ORDERED.

Dated: October 5, 2006



EDWARD M. CHEN
United States Magistrate Judge